

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:11-CT-3091-BO

ROGER LEE DEAL, SR.,  
Plaintiff,

v.

OFFICER BEST, et al.,  
Defendant.


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ORDER

On May 12, 2011, plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983. A frivolity review has yet to be conducted. 28 U.S.C. § 1915. On May 27, 2011, plaintiff filed a motion for voluntary dismissal without prejudice, and the matter is ripe for determination.

Federal Rule of Civil Procedure 41(a)(1) allows for the dismissal of an action voluntarily by the plaintiff through the filing of a notice of dismissal any time before service by the adverse party of an answer or of a motion for summary judgment. As of this date, defendant has not filed an answer or motion for summary judgment. Thus, upon full review of the matter, the court finds it appropriate to ALLOW the stipulation for a voluntary dismissal without prejudice pursuant Rule 41(a)(1). Having so determined, the court shall allow complete relief from any requirement to pay or partially pay the filing fee requirements of 28 U.S.C. § 1915 (b)(1) and (2).

SO ORDERED, this the 10 day of June 2011.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE